

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:11cv10**

**ANTHONY MARTIN and KIM** )  
**MARTIN, husband and wife,** )  
 )  
**Plaintiffs,** )  
 )  
**v.** )  
 )  
**RUSHING CREEK DEVELOPMENT** )  
**GROUP, LLC, a North Carolina** )  
**Corporation, and CADC/RADC 2011-1** )  
**VENTURE 2011-1 LLC,** )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

**ORDER**

Previously, the Court granting the Motion to Substitute Party and substituted CADC/RADC 2011-1 Venture 2011-1 LLC (“CADC”) as a party defendant in this action in place of the Federal Deposit Insurance Corporation, as Receiver for Bank of Hiawasse, a Georgia Corporation (“FDIC”). As a result of the substitution of parties, the FDIC is no longer a party to this action. Accordingly, the Court set a hearing for November 30, 2011, to address the issue of whether the Court should retain jurisdiction over this case. Upon the representation of counsel for CADC, the parties have jointly agreed that remand of this case is appropriate. The Court **CANCELS** the November 30, 2011, hearing. The Court **DIRECTS** the parties to

file a consent or joint motion to remand within ten (10) days of the entry of this Order. Upon the filing of such a motion, the Court will enter an order remanding the case.

Signed: November 28, 2011

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Dennis L. Howell  
United States Magistrate Judge

